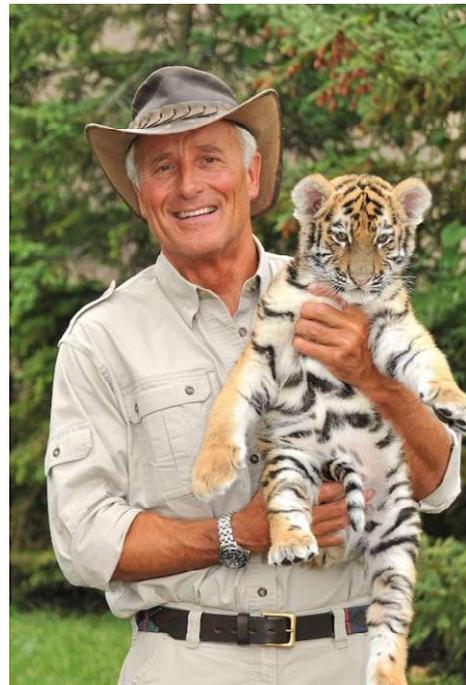


Exhibit 1

**DECLARATION OF DAVE MORGAN**

I, Dave Morgan, declare as follows:

1. I am over the age of 18, have personal knowledge of the matter set forth below, and am competent to be a witness herein. I submit this declaration in support of Comments filed by Litton Entertainment in response to the Notice of Proposed Rulemaking (NPRM) in MB Docket 18-202 (Children’s Television Programming Rules) and MB Docket 17-105 (Modernization of Media Regulation Initiative).
2. Litton supports many of the proposals in the NPRM to provide broadcasters with additional scheduling flexibility and to relieve them of many of the paperwork burdens imposed by the current rules. Litton cannot support, however, the proposal to allow stations to place some or all of their E/I programming on multicast streams. That could eliminate new E/I content, as listed below. Similarly, eliminating the three-hour “rule” would severely impact any company’s ability to provide high quality educational programming to stations.
3. To understand the reasons why multicast can’t work, the Commission needs to understand the story of Litton. I am the CEO of Litton Entertainment (“Litton”). I founded Litton in 1987 and began providing syndicated pro-social programming to television stations.
4. For one of my first projects in the late 1980s, I teamed up with Jack Hanna to produce three (3) one-hour specials featuring animals from around the globe. I distributed these family hours directly to broadcasters. Jack Hanna and I had a dream to recreate the quality and family viewership of the award-winning broadcast hit “Mutual of Omaha’s Wild Kingdom with Marlin Perkins” and increase our production to air each week versus as periodic specials.
5. Two years later, when Congress passed the Children’s Television Act (CTA) in 1990, we got our chance to begin to produce “Zoo Life with Jack Hanna” as a weekly half hour series, which quickly became the number one Nielsen rated weekly show in America. We didn’t know it at the time, but we were defining the level of quality core E/I programming could be. And we had a hit on our hands! During the early years of the CTA, we produced other kids series like “Star Kids Challenge,” “Exploration with Richard Weiss,” “Animal Exploration with Jared Miller” and “Dream Big.” But none of those series resulted in the positive reaction and ratings



we had with Jack Hanna. We competed in the free marketplace against formidable publicly traded Hollywood studios that produced shows like the Sony Studios-produced “Beakman’s World,” and “Bill Nye, the Science Guy,” produced by Disney. Litton’s model was and still is based on serving the audience with advertising supported educational content. The market was, and remains, highly competitive for the small amount of time broadcasters are asked to commit to educational programming. In fact, broadcasters are required to air children’s educational programming a mere 1.7% of their total weekly hours of broadcasting.

6. Congress defined “children” in the CTA to be age 16 and younger. The vast majority of programming aired by broadcasters at first only targeted children 12 and younger. Litton chose to produce content for teens and produce programming for the underserved 13-16 year olds. We have always believed that providing teens and their parents with safe, educational, “nutritious” content is vitally important at this time in a teen’s life when life-long habits, both good or bad, are formed. Today, that is even more important where teens are only a single click away from pornography, drugs, and violence in the uncurated world of the Internet. Over-the-air broadcast of programming marked with the “E/I” bug provides parents with a safe place to guide their children. Co-viewing educational programming with teens has been proven by experts to give parents a chance to open a dialog with their teens, building bonds, strengthening family relationships and children’s futures.
7. Over the years, Litton producers have worked with award winning teachers, top child psychologists, pediatricians and respected broadcasters to review our programming to make sure that it meets their highest standards and the definition of core E/I programming. Over the past 30 years we’ve gained valuable insight as to what is impactful educational television and what doesn’t work in delivering a positive educational message to children, and specifically to teens. With a laser focus on E/I programming, Litton and its on-air teachers/hosts became entertaining experts that teens and the whole family have come to count on each weekend. In fact, Litton has not had one content infraction in 27 years from the FCC, stations or our valued audiences.
8. We used the model suggested by both Congress and the FCC to pay for our program production through advertising and sponsorships. We offer our programming to stations on a revenue sharing basis, which means that they do not pay for the programming; broadcasters get the programming in exchange for allowing us to sell the advertising time within the programming. As such, all of the financial risk is on Litton. We absorb all of the costs of producing the programming in hopes of making a profit from advertising sales and sponsorships. This is a free market solution that works.
9. Eight years ago, Litton got its big break when in 2010 ABC/Disney decided to stop providing a three hour block of repurposed Disney Channel programming sent to its own stations and ABC affiliates. I was approached by the ABC Affiliates Board and the ABC owned stations, asking me to fund and provide three E/I hours, not for the network, but for each ABC station as their network was turning the E/I responsibility back to local ABC stations. ABC station managers wanted our quality programming starring our talent like Jack Hanna and Jeff Corwin to anchor their new E/I block. Litton entered into a

contract in 2010 to produce and fund six (6) half-hour programs per week or 156 original episodes per year. Jack Hanna kicked off the block with “Wild Countdown” and we knew that first weekend that we had something very special for American families!

10. September 3, 2011 on 207 ABC stations coast-to-coast launched with us “Litton’s Weekend Adventure,” to a tremendous audience response. The originally produced Litton programming was delivered to each ABC station in high definition from every corner of the globe with closed captioning and video description. Together, Litton and the ABC broadcasters began an inclusive journey for teens to watch with parents to learn about the world around them focusing on nature, the environment and cultures across the globe. The six shows created a cohesively themed block for the first time on ABC, giving teens and their families an easily identifiable destination. Even when stations must air the programs out of order and somewhere other than our Saturday morning three-hour block, audiences responded, giving ABC stations great ratings.
11. Within six months, Litton’s Weekend Adventure increased ABC viewership nationally by a whopping 73%. While broadcasters were losing audience in news to cable channels and OTT (“over-the-top”) entertainment services, Litton brought new audiences to ABC stations yearly that total well into the millions. Here’s what the programming we provide to ABC stations looks like today:

**LITTON'S WEEKEND ADVENTURE** ABC Saturday AM 2016-2017 Season

Show Title	Host	Awards	2016-2017 Projected Weekly Audience (P2+)
JACK HANNA'S WILD COUNTDOWN	Jack Hanna		2,487,000 viewers
OCEAN TREKS	Jeff Corwin		2,093,000 viewers
SeaRescue	Dr. Jeff Miller	2016 Emmy Winner	1,862,000 viewers
THE WILDLIFE DOCS	Dr. Jeff Miller		1,721,000 viewers
ROCK THE PARK	Dr. Jeff Miller	2015 Emmy Winner	1,268,000 viewers
OUTBACK ADVENTURES	Dr. Jeff Miller		1,268,000 viewers

<http://www.littonweekendadventure.com/>

12. In 2012, I was approached by the CBS network to produce a three-hour block for CBS Saturdays, asking me to do for CBS what we had done for ABC. The previous CBS E/I program supplier in Canada went into bankruptcy, and CBS feared that their supply of educational programming would dry up. Together, CBS and Litton created the “CBS Dream Team . . . It’s Epic!” and once again, Litton programming brought millions of new

viewers to a broadcast network. Where there were few, now millions of viewers are tuned into CBS on Saturday mornings. Here's what CBS proudly looks like today:

**CBS DreamTeam** **CBS Saturday AM 2016-2017 Season**  
*...It's Epic!*

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 <p><b>Lucky Dog</b> 2016 Emmy Winner</p> <p>Animal rescue advocate MimiMimi is on a mission to prove there's no such thing as an "unadoptable" dog. Using forensic, forensic, and forensic, MimiMimi gives these shelter dogs a second chance at life as a new best friend.</p> <p>2016/2017 Projected Weekly Audience (P2+) 1,753,000 viewers</p>	 <p><b>Dr. Chris PET VET</b></p> <p>From ZIEB puppies to new-to-series letters of puppin', Dr. Chris is an animal expert who brings viewers into the clinic and compassion of one of the world's busiest vet offices.</p> <p>2016/2017 Projected Weekly Audience (P2+) 1,687,000 viewers</p>	 <p><b>INNOVATION NATION</b> with MEG ROCCA</p> <p>2016 Emmy Winner</p> <p><b>INNOVATION NATION</b> celebrates the world's spirit of innovation, wondering "how" and "why" behind the world's great inventions, host Meg Rocca is here to explore your questions of the past and take a look into the future.</p> <p>2016/2017 Projected Weekly Audience (P2+) 1,340,000 viewers</p>
 <p><b>THE INSPECTORS</b></p> <p>2016 Emmy Winner</p> <p>Two scripted drama series tells the story of Amanda Warelight, a former FBI forensic investigator and private investigator who now, who work together to fight fraud and identify other crimes plaguing the digital world.</p> <p>2016/2017 Projected Weekly Audience (P2+) 1,163,000 viewers</p>	 <p><b>Hidden HEROES</b></p> <p>Hosted by Dr. Chris Brown, <b>HIDDEN HEROES</b> uncovers stories about amazing and inspiring people who practice their art of giving through simple acts of kindness, compassion, and humanitarian efforts, sharing, motivation, and inspiration.</p> <p>2016/2017 Projected Weekly Audience (P2+) 1,056,000 viewers</p>	 <p><b>THE OPEN ROAD WITH DR. CHRIS</b></p> <p>THE OPEN ROAD WITH DR. CHRIS follows Australia's most popular vet, and star of Dr. Chris Pet Vet, Dr. Chris Brown around the world each week. Host Dr. Chris Brown will explore some of the world's most beautiful, and sometimes bizarre, places, people, and animals.</p> <p>2016/2017 Projected Weekly Audience (P2+) 881,000 viewers</p>

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<http://cbssaturdayam.com/>



13. In 2016, top NBC executives witnessed the ratings success and Litton program quality on both ABC and CBS and asked us to create a three-hour block of E/I programming to replace NBC's repurposed programming from the Comcast-owned preschool cable channel "Sprout". NBC and Litton created the current three-hour block for kids using the Peabody Award winning pro-social NBC brand, "The More You Know." For the third time, Litton had renovated and branded a major broadcast network and brought millions of new viewers to Saturday mornings.



## NBC Saturday AM 2016-2017 Season



### THE VOYAGER with JOSE GARCIA

The weekly, week-end series in the traditions, food, and culture of destinations around the globe. Host, Jose Garcia, takes people to places they've only studied about. But how have experiences in real life?

2016/2017 Projected Weekly Audience (P2+) 1,645,000 viewers



### JOURNEY with MELANIE LORBER

Prepare to embark a brand new JOURNEY as Sochi's host, Melanie Lorber, takes audience on an epic adventure to the bottom of the sea, through of mountains, and the four corners of the globe. Experience the planet like never before on JOURNEY with Sochi. Show.

2016/2017 Projected Weekly Audience (P2+) 1,645,000 viewers

### WILDERNESS VET



Dr. Andrew Gable, doesn't wait for his patients to come to the office. He "takes" them to the wild. He takes the doctor to the wild.

2016/2017 Projected Weekly Audience (P2+) 1,645,000 viewers



### Naturally

America's leading green living expert, Sherry Lee, brings her forward-thinking lifestyle expertise to TV with NATURALLY, SHOW! It's a unique look that combines sustainability, nutritious food that's available, and eco-friendly living that's fun!

2016/2017 Projected Weekly Audience (P2+) 1,645,000 viewers



### GIVE

Host, New Hollywood, introduction series to new profiles across America in GIVE - an inspirational series in which philanthropists go undercover "incognito" to identify struggling, non-profit, and together with some benefactor in both make an ongoing positive change.

2016/2017 Projected Weekly Audience (P2+) 1,645,000 viewers



HEART OF A CHAMPION showcases the full power of NBC Sports by highlighting the inspiring stories of overcoming obstacles, adversity, and transcending adversity from the world of sports that demonstrate what a really mean to be a CHAMPION.

2016/2017 Projected Weekly Audience (P2+) 1,645,000 viewers

<http://themoreyouknow.com/>



- In 2015 we also began to supply the E/I block of programming on the CW network that is co-owned by CBS and Warner Brothers and named this brand "One Magnificent Morning." In addition, we also provide E/I programming to the Telemundo network and a number of diginets such as Antenna TV and Cozi which are aired on stations' multicast streams. The programs we provide for the diginets are not original programming, but come from our library of previously produced or acquired programs. It is important to note that major network air original shows that generate the high-quality libraries that feed the multicast pipeline.
- Since 1991 Litton has produced 3,336 original half-hours of E/I programming. To date, we've received 50 Emmy nominations and won 15 Emmy awards (of note – going head to head with all types of children's programming, not just E/I content). We've won 46 Parents' Choice Awards, 108 Telly Awards, and a variety of other accolades for our programming.

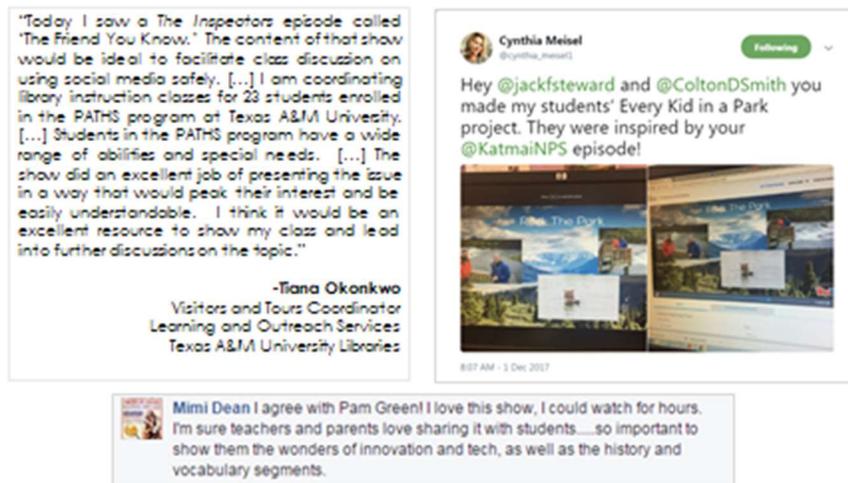


16. Some have argued that the children’s television rules need to be changed because no one is watching that programming. Nothing could be further from the truth. Last year, in total, Litton’s programming alone was viewed 1.5 BILLION times. Last year’s number of views could fill Yankee Stadium 33,179 times. That would take 407 years of sold out home games per season to equal our 1.5 billion views per year. Source: MLB.com/81 Home Games Per Season/Yankee Stadium capacity 54,251. Litton Network partners air 15 hours per week of E/I programming reaching an average of approximately 900,000 unique teens in the average month, nearly equaling the reach of PBS’ 6-12 hours per day, seven days a week. Source: Nielsen National TV View, 09/25/17-07/29/18, L+SD program ratings and impressions, programs under categories: Child - Live, Child Day - Animation, Child Evening, Child Multi-Weekly or Children's News, Nielsen Npower, 9/25/17-8/5/18, 2017/18 Unique Viewers Report L+SD.

17. Litton’s mission to reach at-risk, disenfranchised teens and their families has worked:
- 50% of CBS viewers with children 12-17 earn a HHI of \$40K or less. They are 19% more likely to earn a HHI of \$40k or less.
  - 56% of CW viewers with children 12-17 earn a HHI of \$40K or less. They are 33% more likely to earn a HHI of \$40k or less.
  - 46% of NBC viewers with children 12-17 earn a HHI of \$40K or less. They are 8% more likely to earn a HHI of \$40k or less.
  - 48% of ABC viewers with children 12-17 earn a HHI of \$40K or less. They are 13% more likely to earn a HHI of \$40k or less.

- e. Source: GFK MRI, SPRING 2017 SURVEY, based on NBC Network Data.
18. By design our programming also reaches parents who co-view the programming with their teenage children. Many of those parents are also educators:
- a. Women 18-49 viewers are 73% more likely to work in pre-school through high school education.
  - b. Women 25-54 viewers are 51% more likely to work in pre-school through high school education.
  - c. Adult 18-49 viewers are 69% more likely to work in pre-school through high school education.
  - d. Adult 25-54 viewers are 28% more likely to work in pre-school through high school education.
  - e. Source: GFK MRI, SPRING 2017 SURVEY, based on NBC Network Data.
19. We receive hundreds of e-mails and letters from all over THE country (and the world), thanking us for our programming and its educational content.

### Educators Use Litton Programs in Classrooms



20. As CEO of Litton, I am most proud that Litton provides our programming for free to the American Forces Network Broadcast Center ("AFN-BC") which is viewed by servicemen and their families in more than 170 territories and is included as part of the curriculum in Department of Defense Educational Administration ("DoDEA")

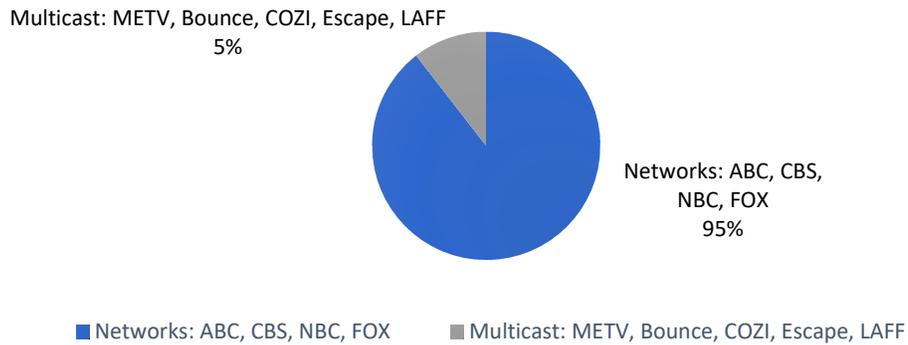
classrooms. I have been told by those who serve in our armed forces that we bring America a little closer to them when they are stationed and serving so far away from home. A soldier and their family feeling closer to home while they give to us 100%, is a wonderful unintended benefit of the CTA.

21. In short, Litton is the “gold standard” for commercial E/I content and the “go to” provider of children’s programming to most of the major networks.
22. Litton has done this by using the model dictated by Congress and implemented by the FCC. We aggressively seek out partners who sponsor our shows and share our mission to educate children and involve the entire family to support our positive messages for children. Sponsors such as The Henry Ford Museum of Innovation (“Innovation Nation” on CBS), Consumer 101 (“Consumer Reports” on NBC) and The Georgia Aquarium (“Ocean Mysteries” on ABC) are sponsor/partners who make the programming rich, ambitious and nourishing. They are world-renowned authorities assisting Litton producers to create the content. Sponsor-partnerships have worked.

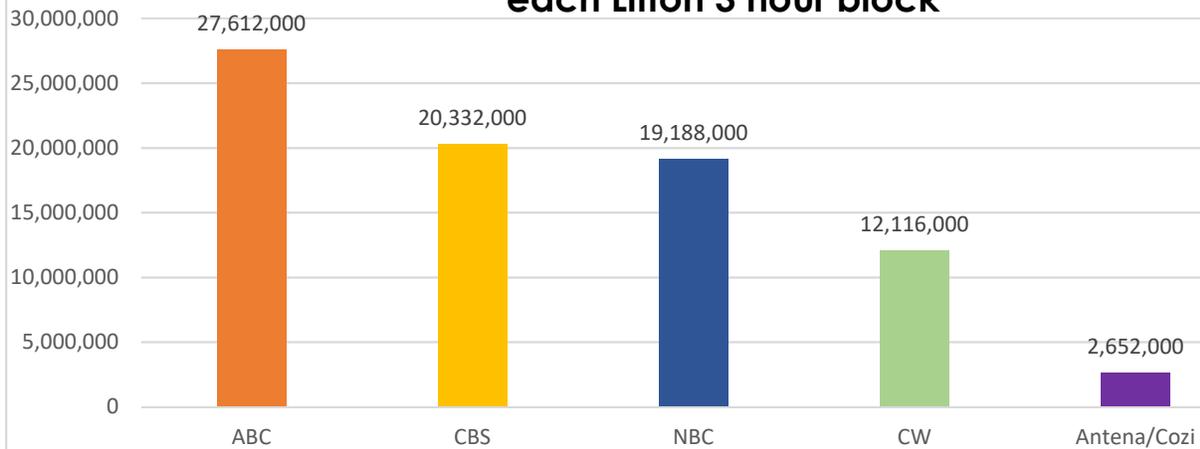


23. Because Litton provides programming for diginets aired on multicast streams (Antenna TV, Cozi, LAFF, Bounce), we know the current audience size and revenue for E/I on multicast, and we know what will happen to viewership, advertising revenues, and sponsorship opportunities if stations are allowed to move any of the E/I programming off to a multicast stream. Viewership of Litton’s current programming on multicast streams is 95% lower than on a station’s main channel.

## Weekly HH Average Reach

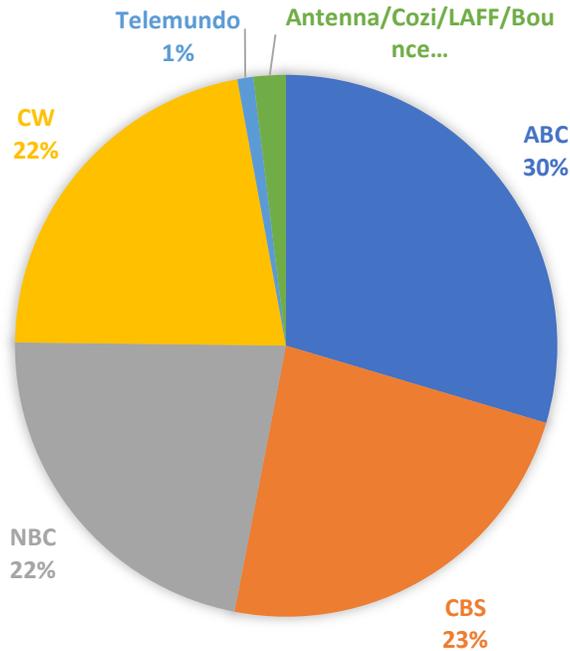


## Total annual P2-17 viewership averages across each Litton 3 hour block



24. We predict that we would lose 98% of our advertising revenue, and partner sponsors would simply vanish, as no corporation wants to be associated with programming that can't be received in millions of households, and where no one watches. Other producers of E/I programming would suffer a similar decline in advertising revenues, and the ability to produce new quality E/I content would be compromised.

## 2017-2018 ADVERTISEMENT REVENUE



25. With such degraded viewership and advertising revenues resulting from the move to multicast, Litton would instantly cease production of new original content, and only be able to supply “reruns” to stations. Other producers of original E/I programming would be in the same boat, and there would be a quick “race to the bottom” as stations would seek out the least expensive (and likely poorest quality) programming they could find to jam on a multicast channel they know no one will watch. Hence, the educational message would quickly become irrelevant, or worse, incorrect, because our fast moving world is what drives E/I subject matter and educational information. America’s educational programming on broadcast television would be frozen in time.
26. There would also be a litany of “trickle down” impacts caused by moving E/I programming to multicast:
- The programming wouldn’t be broadcast in full high definition. Stations broadcast their main channel in full HD, and multicast streams in standard definition. Most likely E/I programming on a multicast stream would be aired in the same standard format as reruns of Perry Mason or The Beverley Hillbillies.
  - Currently, all Litton programming is closed-captioned. We couldn’t afford to provide closed-captioning if the programming is on multicast. Hearing impaired and autistic children would suffer.
  - Currently, all new Litton programming has video description. Similarly, that would have to go away. Again, Hearing impaired and autistic children would suffer.

- d. The NPRM talks about all the other platforms where children's programming is available. But much of that programming originally aired on network television. Take away original E/I programming from a station's main channel, and as stated above, that "downstream" distribution of content would quickly dry up.
27. Allowing even some of the E/I programming to migrate to a multicast stream, or eliminating or dialing back the three-hour rule would also negatively impact the market for high quality E/I programming. Because we have a full three hours (or six individual half-hour episodes) to deliver each week, we can subsidize the costs of the more expensive shows to produce with revenues from other shows within the block. If only two hours per week were on a station's main channel, for example, then our ability to amortize production costs is reduced to just four programs. Economy of scale is achieved with three hours as our work force is able to spread their time and talents across more than one show. With less than three hours, our production budgets would have to be trimmed, and program quality would no doubt suffer. On ABC alone where hosts report from different continents, oceans, and rain forests far and wide, our global stories would be domesticated, forcing producers to try and create content from zoos and aquariums rather than in the wild. Imagine that as the fate for Jack Hanna and Jeff Corwin. Would the amazing programming from Jacques Cousteau have been as impactful if the Calypso had remained moored in port?
28. The NPRM assumes that were the FCC to deregulate children's programming, the market would return to the 1980s and we would see a reemergence of shorter form programming such as "Schoolhouse Rock" and "ABC Afternoon Specials." This won't and can't happen. "Schoolhouse Rock" aired as interstitials (short one minute videos) during the network's Saturday morning animated entertainment block. That block is gone, replaced by E/I programming. No one even suggests that if E/I programming goes over to multicast channels, stations will replace it with animated programming, where placement of short-form programs like "Schoolhouse Rock" would work. Does the Commission really think that stations will air short-form educational programming in the middle of a local newscast, or worse, during an infomercial that sells pillows, juicers or a Popeil pocket fisherman, that is likely to replace 30 minute E/I programming? Similarly, "ABC Afternoon Specials" aired on weekday afternoons, when that time period was essentially a graveyard. With the rise of Oprah, Judge Judy, Doctor Phil, and Ellen, weekday afternoons are today a gold mine for local stations, leading into their lucrative local news. Does the FCC really think that stations will preempt this valuable, profitable (and very expensive) syndicated programming for one-off programming like the "ABC Afternoon Special"? The days when the television market was conducive to short-form and "special" programming are long gone.
29. In sum, Litton has played by the rules set up by the Congress and the FCC nearly 30 years ago. We, and other production companies like us, have figured it out, and produce high quality, impactful programming to an at-risk audience. The market for children's programming is a thriving ecosystem. Change the rules to allow stations to move their E/I programming to the desolate deserts of multicast, and that market will be negatively impacted instantly.

30. There are a number of proposals in the *NPRM* that we can support to provide broadcasters with additional scheduling flexibility and reduce paperwork burdens. These proposals include:
- a. Removing the quarterly report filing requirement and replace it with an annual report, and eliminate the forward-looking reporting requirement;
  - b. Expanding the Core Programming Hours to allow stations to air programming earlier (6:00 a.m.) and later (11:00 p.m. or even midnight), even though those hours are less desirable to advertisers, negatively impacting Litton's advertising revenues;
  - c. Additional flexibility regarding preemptions, especially for West Coast stations, so long as the airing of the programming is on a station's main channel. Litton receives credit for preempted programming that is aired any time during the same broadcast week, but does not receive any credit if it is aired on a multicast stream;
  - d. Remove the requirement to air E/I programming on multicast streams. As I've said before, viewership of multicast streams is so low, that removing E/I programming from these streams would have little to no impact on the total viewership of E/I programming (assuming that stations continue to be required to air E/I programming on their main channel.
  - e. Remove the requirement that all E/I programming be a minimum of 30 minutes. As a producer of E/I programming, I know the market well enough to know that shorter-form programming will be much harder for stations to acquire and schedule. If stations want this flexibility, we can support it, but we are confident that the vast majority of stations will continue to provide three hours per week in the form of six half-hour programs.
31. I have reviewed the attached Comments, which were produced under my supervision, and declare that the facts contained therein are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21st day of September, 2018.

A handwritten signature in black ink, consisting of a large, rounded initial 'D' followed by a horizontal line extending to the right.

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Dave Morgan  
CEO, Litton Entertainment